

# PROPOSAL

SCHEME A - SINGLE PROJECTS

SCHEME B - SINGLE PROJECTS WITH ALTERNATES

**SPECIFIER S NOTE:** Insert wording, numbers, etc. as appropriate where *[italics in parenthesis]* are shown throughout this specification section. Italicized words are used for directions to the specifier and should be filled in. Blue colored text are Notes to Specifier and should be completely deleted from the final text. Red colored text is used for items to be modified. Maintain footer notation in italics with the current version used (e.g. TGProposal v00.04).

**SPECIFIER NOTES:** Add this section for all projects.

## PROPOSAL

FOR

FURNISHING LABOR AND MATERIALS

REQUIRED TO *[NATURE OF WORK]*

*[NAME OF COMPLEX]*

*[NAME OF PROJECT]*

TAX MAP KEY: *[NUMBER]*

*[DISTRICT, NAME OF ISLAND]*, HAWAII

FOR THE

**SPECIFIER S NOTE:** Omit school district when not a school project

*[NAME]* SCHOOL DISTRICT

DEPARTMENT OF *[NAME]*

STATE OF HAWAII

BY THE

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

DIVISION OF PUBLIC WORKS

STATE OF HAWAII

D.A.G.S. JOB NO. *[NUMBER]*

AfterAfter carefully examining the bid documents,After carefully examining the bid documents, drawing above,above, the Bidder proposes to furnish at its own expense all necessary labor, materials, toolstoolsand equipmentto complete the work accordingto thetoolsand equipmentto complete the work according to drawings and specifications, all for the Lump Sum Bid of:

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_).

*[\* which includes the cash allowance as stipulated in this proposal.*

*\*\* which includes the total cost for variable quantity work as stipulated in this proposal.]*

**SPECIFIER S NOTE:** \*Where an allowance is included in the project, revise the proposal

PROPOSAL

by adding the phrase *which includes a cash allowance stipulated in this proposal.*  
after the dollars (\$\_\_\_\_\_)

**SPECIFIER S NOTE:** *\*\* Where variable quantity work is included in the project, revise the proposal by adding the phrase *which includes the total cost for variable quantity work stipulated in this proposal.* After the dollars (\$\_\_\_\_\_)*

**SPECIFIER S NOTE:** *Insert ALTERNATE SECTION for SCHEME B PROPOSALS WITH ALTERNATES, otherwise omit section for SCHEME A PROPOSALS.*

**SPECIFIER S NOTE:** *Start this section on a new page*

#### ALTERNATES

The Bidder further proposes to incorporate in the work the alternates as described on the drawings and Specification Section 01230 ALTERNATES for the following amounts:

For the purposes of bid evaluation, the alternates are listed in the order of priority in which they will be added to the Lump Sum Base Bid.

**SPECIFIER S NOTE:** *\*Insert a brief description of the alternate*

Alternate No. 1: (Additive)

*[Insert a brief description of the alternate]*

\_\_\_\_ Add the sum of:

\_\_\_\_\_

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_).

Alternate No. 2: (Additive)

*[Insert a brief description of the alternate]*

\_\_\_\_ Add the sum of:

\_\_\_\_\_

\_\_\_\_\_ DOLLARS (\$\_\_\_\_\_).

The Bidder must completely fill in the dollar amounts for each Alternate. Where the work will be performed at no cost to the State, fill in \$0.00 as the dollar amount. If alternate dollar amounts are left blank, the proposal will be rejected as being an irregular proposal.

In the event any or all of the Alternates are accepted, additional consecutive working days will be granted in accordance with the SCHEDULE AND COMPLETION OF WORK Section of this proposal.

***End ALTERNATE Section***

**SPECIFIER S NOTE:** *Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.*

*Start this section on a new page.*

**SPECIFIER S NOTE:** *Only select one of the SCHEDULE AND COMPLETION OF WORK option formats that is applicable to the project, and delete other options.*

**SPECIFIER S NOTE:** *Consultant and Project Coordinator shall determine the contract time. Ensure adequate time is provided for the expected weather delays (normal rain, bad weather conditions) at the project site, as these conditions are not subject to contract time extensions. Consultant shall obtain weather data and compute the bad weather days expected at the project site. The data and computations shall be turned over to the Project Coordinator and available for the Contractor s inspection during the bid. List the weather data in Section 00800 Special Conditions as reference document only. Also, provide adequate time for special construction schedules that have exclusionary non-working days.*

## **Option 1**

### **SCHEDULE AND COMPLETION OF WORK**

The Bidder agrees to commence and complete all work under this contract as follows:

**SPECIFIER S NOTE:** *For SCHEME A - PROPOSAL, use Parts I & II only. Insert and provide the specific date here under the SCHEDULE AND COMPLETION OF WORK SECTION*

#### **PART I**

Upon receipt of the Letter of Award with written instructions from the Engineer, proceed with preparatory work including processing submittals, obtaining approvals, and permits, or other work as approved by the Engineer. No work will be allowed at the jobsite. No ordering of materials will be allowed until;

- (a) the date stipulated in the Letter of Notice to Proceed, or
- (b) upon earlier written notice from the Engineer, or
- (c) upon receipt of the executed contract for the project.

**SPECIFIER S NOTE:** *Insert a reasonable time frame based on past projects of similar type, size and complexity*

#### **PART II**

Complete all work ready for use within [insert number] consecutive working days commencing from the date stipulated in the Letter of Notice to Proceed.

**SPECIFIER S NOTE:** *Insert PART III for SCHEME B - PROPOSALS WITH ALTERNATES. Insert a reasonable time frame*

#### **PART III**

In the event any or all of the Alternates are accepted, additional consecutive working days beyond the number of days given for the Lump Sum Base Bid (Part II above) will be granted in accordance with the following:

Alternate No. 1: [ \_\_\_\_\_ ] additional working days.

Alternate No. 2: [ \_\_\_\_\_ ] additional working days.

**OR,**

**SPECIFIER S NOTE: For SCHEME A - PROPOSAL, use Parts I & II only. Use OPTION 2 for projects with specific jobsite dates and times. (e.g. work to be performed during school vacation)**

## **Option 2**

### **SCHEDULE AND COMPLETION OF WORK**

The Bidder agrees to commence and complete all work under this contract as follows:

#### **PART I**

Upon receipt of the Letter of Award with written instructions from the Engineer, proceed with preparatory work including processing submittals, obtaining approvals, and permits, or other work as approved by the Engineer. No work will be allowed at the jobsite. No ordering of materials will be allowed until;

- (a) the date stipulated in the Letter of Notice to Proceed, or
- (b) upon earlier written notice from the Engineer, or
- (c) upon receipt of the executed contract for the project.

**SPECIFIER S NOTE: Insert appropriate date and number of days**

#### **PART II**

Upon receipt of the Letter of Notice to Proceed, proceed with preparatory work, ordering materials and off site fabrication, etc. No work will be allowed at the jobsite until [Date]. Complete all work ready for use within [insert number] consecutive working days commencing from date stipulated in the Letter of Notice to Proceed.

**SPECIFIER S NOTE: Insert PART III for SCHEME B - PROPOSALS WITH ALTERNATES. Insert a reasonable time frame**

#### **PART III**

In the event any or all of the Alternates are accepted, additional consecutive working days beyond the number of days given for the Lump Sum Base Bid (Part II above) will be granted in accordance with the following:

Alternate No. 1: [ \_\_\_\_\_ ] additional working days.

Alternate No. 2: [ \_\_\_\_\_ ] additional working days.

\_\_\_\_\_  
**OR,**

**SPECIFIER S NOTE: For SCHEME A - PROPOSAL, use Parts I & II only. Use OPTION 3 only with the approval of the PUBLIC WORKS ADMINISTRATOR (for short time frame construction projects with specified deadlines).**

**SPECIFIER S NOTE: Also refer to guidance provided under the SPECIAL CONDITIONS regarding modifications to the INTERIM GENERAL CONDITIONS, SECTION 3.10 - NOTICE TO PROCEED.**

## Option 3

### SCHEDULE AND COMPLETION OF WORK

The Bidder agrees to commence and complete all work under this contract as follows:

#### PART I

The Letter of Award shall also serve as the Letter of Notice to Proceed.

From the date stipulated in the Letter of Notice to Proceed, proceed with preparatory work including processing submittals, obtaining approvals and permits, ordering materials and offsite fabrication or other work as approved by the Engineer.

#### PART II

No work will be allowed at the job site until [Date]. Commence jobsite work within five (5) consecutive working days from this date. Complete all work ready for use within [insert number] consecutive working days stipulated in the Letter of Notice to Proceed.

**SPECIFIER S NOTE: Insert PART III for SCHEME B - PROPOSALS WITH ALTERNATES. Insert a reasonable time frame**

#### PART III

In the event any or all of the Alternates are accepted, additional consecutive working days beyond the number of days given for the Lump Sum Base Bid (Part II above) will be granted in accordance with the following:

Alternate No. 1: [ \_\_\_\_\_ ] additional working days.

Alternate No. 2: [ \_\_\_\_\_ ] additional working days.

***End SCHEDULE AND COMPLETION OF WORK Section***

**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL. . Add ALLOWANCES SECTION where work will be performed by a subcontractor selected by the State with the amount more or less fixed, delete otherwise.**

**SPECIFIER S NOTE: Insert the allowance value and describe the allowance to suit the project. Obtain sole source approval of the vendor. Discuss with your Project Coordinator.**

### ALLOWANCES

The Bidder shall include in its Lump Sum Bid price a cash allowance of [\$ \_\_\_\_\_ ] [describe the allowance and reference Specification Section]. The cash allowance is an estimate only and is subject to increase or decrease depending on the actual cost of the work, which shall be done by [Vendor]. Additional charges for overhead, coordination, profit, insurance and other incidental expenses shall not be allowed. These expenses shall be included in the Lump Sum Bid.

***End ALLOWANCE Section***

**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.**

**Add VARIABLE QUANTITY WORK SECTION where it is necessary to address variable quantities in the project, delete otherwise. This section should be used only when DAGS and the Contractor cannot determine the actual quantities**

**VARIABLE QUANTITY WORK**

The Bidder shall include in its Lump Sum Bid a price for variable quantity work as described below. The prices provided shall include all materials, labor, tools and equipment required to install the work complete, in addition to all charges for overhead, coordination, profit, insurance, and other incidental expenses.

**SPECIFIER S NOTE: Fill-in the description of work, the estimated quantities and identify the applicable specification section numbers**

DESCRIPTION	ESTIMATED QUANTITIES	UNIT COST	TOTAL COST
1. <i>[Describe work]</i>			
Section <i>[ ]</i>	<i> [unit]</i> \$ <i> </i> /unit	\$ <i> </i>	
2. <i>[Describe work]</i>			
Section <i>[ ]</i>	<i> [unit]</i> \$ <i> </i> /unit	\$ <i> </i>	
Total Amount to be included in the Lump Sum Bid			\$ <i> </i>

It is understood that the variable quantities listed above are estimated quantities. If the actual quantities vary more than 15 percent above or below the estimated quantities, an equitable adjustment in the contract price shall be made upon demand by either party. The equitable adjustments shall be based upon any increase or decrease in costs due solely to the variation above 115 percent or below 85 percent of the estimated quantities.

The Bidder agrees not to proceed with work exceeding the indicated estimated quantities until written approval by the Engineer.

Measurement for payment will be to the nearest estimated unit quantity, measured by the Bidder, concurred by the Engineer, and acceptably completed. All computations of the variable quantity costs shall use the unit costs indicated above.

Payment will be made for quantities actually installed at the applicable price indicated above.

***End VARIABLE QUANTITIES Section***

***SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start PREFERENCE section on a new page***

**PREFERENCE**

The Bidder agrees to the following conditions:

1. In-State Contractor's Preference, when selected by the Bidder may not be used with any other preferences, such as the Hawaii Products Preference or the Recycled Products Preference, if applicable.
2. It is further understood by the Bidder that if upon being granted Hawaii Products or Recycled Products Preference, and being awarded the contract, if the Bidder fails to use such products or meet the requirements of such preference, the Bidder shall be subject to penalties, if applicable.

***End PREFERENCE Section***

***SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start IN-STATE CONTRACTOR S PREFERENCE section on a new page***

**IN-STATE CONTRACTOR'S PREFERENCE**

A seven percent (7%) preference shall be given to qualified in-state contractors when awarding a contract for Public Works projects to promote use of in-state contractors pursuant to Act 352, SLH 1997. To qualify for the preference, contractors must provide proof that they have filed State of Hawaii Unemployment, General Excise, and Income Tax returns and have paid all amounts owing on such returns for the two (2) successive years immediately prior to submitting the bid when the amount of their bid is \$5,000,000 or less, and for the four (4) successive years immediately prior to submitting the bid when the amount of their bid is more than \$5,000,000. Therefore, any Bidder desiring an In-State Contractor s Preference shall submit a tax clearance certificate from the State of Hawaii Department of Taxation (DOTAX) with its Bid Proposal. Additionally, the Bidder must indicate in the following section that it wishes to be considered for the preference.

The tax clearance certificate required as a part of the bid proposal requirements described in the General Notices for Public Works Division DAGS Projects is acceptable for this purpose. However, the Bidder is cautioned that the special letter is not acceptable for this purpose. Failure to submit the tax clearance certificate automatically voids the selection of the In-State Contractor s preference.

Whenever any Bidder selects and qualifies for an In-State Contractor s Preference, all original bid prices from bidders who do not select or qualify for the In-State Contractor s Preference shall be increased by seven percent (7%) for evaluation purposes.

The Bidder shall indicate if it wishes to be considered for this preference or not:

( ) Yes, I wish to be considered for the In-State Contractor s Preference. (Attach Tax Clearance Form with this proposal.)

( ) No, I do not wish to be considered for the In-State Contractor s Preference.

If neither of the above is checked, it will be assumed that In-State Contractor s Preference is not requested.

The Bidder agrees that the In-State Contractor Preference shall be taken into consideration to determine the low bidder in accordance with said Section and the rules promulgated. However, the award of contract will be in the amount of the bid offered exclusive of any preference.

CAUTION: If the Bidder elects and qualifies for the In-State Contractor s Preference (ICP), no other preference will be allowed. All other Preference selections will be ignored and will not be applied for evaluation purposes.

***End IN-STATE CONTRACTOR S  
PREFERENCE Section***



**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start HAWAII PRODUCTS PREFERENCE Section on a new page**

**SPECIFIER S NOTE: Add this section if qualified Hawaii Products are available for the job. If there are no applicable products available, indicate **HAWAII PRODUCTS PREFERENCE SHALL NOT APPLY TO THIS PROPOSAL****

**SPECIFIER S NOTE: Refer to the GUIDE SPECIFICATIONS for guidance regarding Hawaii Products**

#### HAWAII PRODUCTS PREFERENCE AND/OR USE OF HAWAII PRODUCTS

It is understood that certain Hawaii products as described in the schedule below are acceptable to be used in this work and that, pursuant to Sections 103D-1002, Hawaii Revised Statutes, which provides preference for Hawaii Products, the Bidder proposing to use such Hawaii products must fill in the schedule below.

However, where there are a number of qualifying classes of Hawaii products of a given description, the Bidder must indicate on the schedule which class will be furnished by circling the class of the particular Hawaii product that will be used. Otherwise, preference will be given based on the class with the lower percentage.

If the Bidder proposes to use Hawaii products, the Bidder must so designate in said schedule by entering the cost of such product in the appropriate space provided. Failure on the part of the Bidder to designate the use of a Hawaii product will void any preference for that product.

**SPECIFIER S NOTE: Products listed under Description , Class and Manufacturer are shown for example only. Fill in products which meet the requirements of the specifications**

#### SCHEDULE OF ACCEPTABLE HAWAII PRODUCTS AND DESIGNATION OF HAWAII PRODUCTS TO BE USED (Under Lump Sum Bid)

ACCEPTABLE HAWAII PRODUCTS			HAWAII PRODUCTS TO BE USED
Description	Class	Manufacturer	Cost FOB Jobsite, Unloaded Including Applicable General Excise & Use Taxes
[Precast Concrete Building Products]	III	[Hawaiian Dredging Constr. Co. Precast Div.]	\$ _____
		[Con Fab Corp]	
		[Charles Pankow Builders Ltd]	
[RCCP]	III	[Ameron HC&D]	\$ _____
		[Hawaii Conc. Prod.]	

**End of schedule for SCHEME A PROPOSALS**

**SPECIFIER S NOTE: For SCHEME B - PROPOSAL WITH ALTERNATE S, provide separate schedules for each alternate. Fill in products which meet the requirements of the specifications.**

**SCHEDULE OF ACCEPTABLE HAWAII PRODUCTS AND DESIGNATION OF HAWAII PRODUCTS TO BE USED (Under Alternate No. 1) [Alternate No. 2 and No. 3 similar]**

ACCEPTABLE HAWAII PRODUCTS			HAWAII PRODUCTS TO BE USED
Description	Class	Manufacturer	Cost FOB Jobsite, Unloaded Including Applicable General Excise & Use Taxes
			\$ _____
			\$ _____

**End of schedule for SCHEME B PROPOSALS**

**SPECIFIER S NOTE: Use Bidder agreement paragraphs for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL**

The Bidder agrees that Hawaii Products Preference shall be taken into consideration to determine the low bidder in accordance with said Sections and the rules promulgated, however, the award of contract will be in the amount of the bid offered exclusive of any preferences.

CAUTION: If the Bidder elects and qualifies for the In-State Contractor's Preference, no other preference will be allowed. All other Preference selections will be ignored and will not be applied for evaluation purposes.

However, if the Bidder does not qualify for the In-State Contractor s Preference, the Bidder will be given the Hawaii Products Preference for bid evaluation purposes provided that the Bidder has completed the required information in the Schedule of Acceptable Hawaii Products and Designation of Hawaii Products to be used. If a Bidder has designated use of a Hawaii Product and fails to provide the product, the contract will become void and no payments will be made.

**End HAWAII PRODUCTS PREFERENCE Section**

**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start RECYCLED PRODUCT PREFERENCE section on a new page**

**SPECIFIER S NOTE: Add this section if Qualified Recycled Products are available for this job**

**SPECIFIER S NOTE: If there are no applicable products available, or if only recycled products are specified, indicate **RECYCLED PRODUCT PREFERENCE SHALL NOT APPLY TO THIS PROPOSAL****

**RECYCLED PRODUCT PREFERENCE**

This project allows a 10% price preference for recycled products in accordance with HRS 103D-1005. Bidders are required to complete this section. FAILURE TO COMPLETE THIS SECTION MAY BE SUFFICIENT CAUSE FOR REJECTION OF THE BID.

Only the following products are being considered for the recycled product preference. Please indicate your selection of recycled or non-recycled product by indicating its cost FOB jobsite unloaded in the schedule below, including applicable General Excise & Use Taxes.

**SPECIFIER S NOTE: Products listed under Description shown for example only. Fill in products which meet the requirements of the specifications**

**SPECIFIER S NOTE: Include the specifications of the recycled product in the Technical Specifications**

<u>DESCRIPTION</u>	<u>RECYCLED PRODUCT COST</u>	<u>NON-RECYCLED PRODUCT COST</u>
[Burnt Bagasse]	\$ _____	\$ _____
[Paving Material & Base]	\$ _____	\$ _____
[Sub-Base]	\$ _____	\$ _____
[Previous Backfill Material]	\$ _____	\$ _____

The Bidder requesting a recycled product preference by his selection above, shall also complete and submit the form CERTIFICATION OF RECYCLED CONTENT as shown in the Interim General Conditions and provide all supporting information with this proposal. Additional information may be requested to qualify a product.

The following definitions are applicable to the CERTIFICATION OF RECYCLED CONTENT form:

Post-consumer recovered material means any product used by a consumer, including a business that purchases the material, that has served its intended end use, and that has been separated or diverted from the solid waste stream for the purpose of use, reuse, or recycling.

Product includes materials, manufactures, supplies, merchandise, goods, wares,

and foodstuffs.

Recovered material means waste material and by-products that has been separated, diverted, or removed from the solid waste stream after a manufacturing process for the purpose of use, reuse, or recycling. Recovered materials does not include those materials and by-products that are generated and normally reused on-site or within original manufacturing processes (such as mill broke, in the case of paper products).

Recycled content means the percentage of a product composed of recovered material, or post-consumer recovered material, or both.

Recycled product means a product containing recovered material, or post-consumer recovered material, or both.

The Bidder agrees that Recycled Products Preference shall be taken into consideration to determine the low bidder in accordance with said Section and the rules promulgated, however, the award of contract will be in the amount of the bid offered exclusive of any Preference.

CAUTION: If the Bidder elects and qualifies for the In-State Contractor s Preference, no other preference will be allowed. All other Preference selections will be ignored and will not be applied for evaluation purposes.

***End RECYCLED PRODUCT  
PREFERENCE section***

***SPECIFIER S NOTE: Use for SCHEME B - PROPOSAL only. Start this section on a new page***

***SPECIFIER S NOTE: For SCHEME B - PROPOSALS WITH ALTERNATES, provide EVALUATION OF BIDS section, otherwise delete section***

#### **EVALUATION OF BIDS (WITH ALTERNATES)**

The low Bidders shall be determined by the procedures outlined in the following four items. Chapter 103D, HRS, which provides for Preferences shall apply in determining the low bidder.

1. Prior to the opening of bids, the State will determine the amount of funds available for the project. This amount is designated as the Control Amount and it shall be announced at, and prior to the opening of bids.
2. The Lump Sum Base Bid and alternates of each Bidder will be adjusted to reflect the applicable Preferences. The alternates, in their listed order, will be added to the lump sum base bid and this (these) sum(s) compared to the control amount, and must be within the control amount. All bids shall be evaluated on the basis of the same alternate bid items.
3. If adding another alternate would make the aggregate amount exceed the control amount for all Bidders, that alternate will be skipped and the next alternate will be added, provided an award may be made within the control amount. This procedure will continue, until adding any remaining alternates, will result in the aggregate total amount for all Bidders to exceed the control amount, or until no additional alternates remain.
4. The low Bidder shall have the lowest aggregate amount, within the control amount (after application of the various Preferences), for the Lump Sum Base Bid plus the alternates in their listed order.

**Example:** The control amount available is \$100,000. After applying the Preferences, Bidder A's Lump Sum Base Bid and three additives, in the order stated in the list of alternates, are \$85,000, \$10,000, \$8,000, and \$4,000 respectively. Bidder B's Lump Sum Base Bid and three additives are \$80,000, \$16,000, \$9,000, and \$4,000 respectively.

In adding the alternates to the base bid, the second alternate is skipped since it would cause the aggregate amount of both Bidders to exceed \$100,000.

Bidder A is determined to be the low Bidder with an aggregate total (Base Bid plus Alternate No. 1 and Alternate No. 3) of \$99,000. Bidder B's aggregate total is \$100,000.

Should the Lump Sum Base Bid of all Bidders exceed the control amount, the low Bidder shall be the Bidder with the lowest Lump Sum Base Bid after application of the Preferences.

***End of SCHEME B - PROPOSAL  
EVALUATION OF BIDS section***

**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.**  
**Start this section on a new page**

**SPECIFIER S NOTE: For SCHEME A - PROPOSAL provide Option 1 section METHOD OF AWARD**

## **Option 1**

### **METHOD OF AWARD**

It is understood that the award of contract will be made on the basis of the lowest responsible and responsive Lump Sum Bid.

It is further understood and agreed that:

1. The Comptroller reserves the right to reject any and/or all bids and waive any defects when, in the Comptroller s opinion , such rejection or waiver will be in the best interest of the State;
2. The award of the contract shall be conditioned upon funds being made available for these projects and further upon the right of the Comptroller to hold all bids received for a period of sixty (60) days from the date of the opening thereof, unless otherwise required by law , during which time no bid may be withdrawn;
3. Any agreement arising out of this offer is subject to approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.

***End of SCHEME A - PROPOSAL  
METHOD OF AWARD section***

**SPECIFIER S NOTE: For SCHEME B - PROPOSAL WITH ALTERNATES, provide Option 2 section METHOD OF AWARD**

## **Option 2**

### **METHOD OF AWARD (WITH ALTERNATES)**

After determining the low Bidder, an award may be made on the amount of the Lump Sum Base Bid alone or on any combination of alternates exclusive of any preferences. The combination of alternates may include substituting any of the alternates which were included in the low Bidders aggregate price with an alternate which was not included, provided:

1. It is in the best interest of the State;
2. Funds are available at the time of award; and
3. The combination of the lump sum base bid plus alternate(s) does not change the established low bidder.

In the event the Lump Sum Base Bid of all Bidders exceeds the control amount, the State reserves the right to make award to the low Bidder if additional funds are available or by reducing the scope of work through negotiation.

It is further understood and agreed that:

1. The Comptroller reserves the right to reject any and/or all bids and waive any defects when, in the Comptroller's opinion, such rejection or waiver will be in the best interest of the State;
2. The award of the contract shall be conditioned upon funds being made available for these projects and further upon the right of the Comptroller to hold all bids received for a period of sixty (60) days from the date of the opening thereof, unless otherwise required by law, during which time no bid may be withdrawn;
3. Any agreement arising out of this offer is subject to approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order, or other directive.

***End of SCHEME B - PROPOSAL  
METHOD OF AWARD section***

***SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start OTHER CONDITIONS section on a new page***

**OTHER CONDITIONS**

1. Bidder agrees to pay liquidated damages to the to the State as specified in Section 00800 SPECIAL CONDITIONS.
2. By submitting this proposal, the Bidder is declaring that its firm has not been assisted or represented on this matter by an individual who has, in a State capacity, been involved in the subject matter of this contract in the past two years;
3. Anti-collusion certification. In accordance with HAR 3-122-192, by submitting this proposal, the Bidder is declaring that the price submitted is independently arrived at without collusion;
4. Certification for Safety and Health Programs for bids in excess of \$100,000. In accordance with HRS 396-18, by submitting this proposal, the Bidder certifies that its organization will have a written safety and health plan for this project that will be available and implemented by the Notice to Proceed date of this project. Details of the requirements of this plan may be obtained from the Department of Labor and Industrial Relations, Occupational, Safety and Health Division (HIOSH); and
5. Upon the acceptance of the proposal by the Procurement Officer, the Bidder must enter into and execute a contract for the same and furnish a Performance and Payment bond, as required by law. These bonds shall conform to the provisions of Sections 103D-324 and 325, Hawaii Revised Statutes and any law applicable thereto.

Receipt of the following addenda issued by the Division of Public Works is acknowledged by the date (s) of receipt indicated below:

Addendum No. 1 _____ Date	Addendum No. 5 _____
Addendum No. 2 _____	Addendum No. 6 _____
Addendum No. 3 _____	Addendum No. 7 _____
Addendum No. 4 _____	Addendum No. 8 _____

It is understood that failure to receive any such addendum shall not relieve the Bidder from any obligation under this Proposal as submitted.



**SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start JOINT CONTRACTORS SUBCONTRACTOR section on a new page**

**ALL JOINT CONTRACTORS OR SUBCONTRACTORS TO BE ENGAGED ON THIS PROJECT**

The Bidder certifies that the following is a complete listing of all joint contractors or subcontractors covered under Chapter 444, Hawaii Revised Statutes, who will be engaged by the Bidder on this project to perform the nature and scope of work indicated pursuant to Section 103D-302, Hawaii Revised Statutes and understands that failure to comply with this requirement may be just cause for rejection of the bid.

The Bidder further understands that only those joint contractors or subcontractors listed shall be allowed to perform work on this project and that all other work necessary shall be performed by the Bidder with its own employees. If no joint contractor or subcontractor is listed, it shall be construed that all of the work shall be performed by the Bidder with its own employees.

The Bidder must be sure that it has, and that the subcontractor(s) listed in the proposal have, all the necessary specialty licenses needed to perform the work for this project. The Bidder shall be solely responsible for assuring that all the specialty licenses required to perform the work are covered in its bid. Also refer to Section 00800 SPECIAL CONDITIONS.

The Bidder shall include the license number of the joint contractors or subcontractors listed below. Failure to provide the correct names and license numbers as registered with the Contractor's Licensing Board may cause rejection of the bid submitted.

Complete Firm Name Joint Contractor or Subcontractor for Lump Sum Bid	License Number	Nature and Scope of Work to be Performed

**SPECIFIER S NOTE: Provide adequate spaces for anticipated subcontractors.  
End JOINT CONTRACTORS OR  
SUBCONTRACTORS listing section**

**SPECIFIER S NOTE: For SCHEME B - PROPOSAL WITH ALTERNATES, add separate listing and provide adequate spaces for anticipated subcontractors.**

***SPECIFIER S NOTE: Delete list for Alternates 2 & 3 As necessary when not used***

Listing of Joint Contractor or Subcontractor who will be engaged if an Alternate proposal is awarded. List only the Joint Contractor or Subcontractor to be used in lieu of those previously listed for Basic Bid Proposal.

Complete Firm Name  
Joint Contractor or  
Subcontractor for  
Lump Sum Bid  
ALTERNATE NO. 1

License  
Number

Nature and Scope of Work  
to be Performed


Complete Firm Name  
Joint Contractor or  
Subcontractor for  
Lump Sum Bid  
ALTERNATE NO. 2

License  
Number

Nature and Scope of Work  
to be Performed


Complete Firm Name  
Joint Contractor or  
Subcontractor for  
Lump Sum Bid  
ALTERNATE NO. 3

License  
Number

Nature and Scope of Work  
to be Performed


***End SCHEME B - PROPOSAL, JOINT  
CONTRACTORS OR  
SUBCONTRACTORS listing section***

***SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start SIGNATORY section on a new page***

Enclosed herewith:

1. Surety Bond (\*1) )
2. Legal Tender (\*2) )
3. Cashier's Check (\*3) )
4. Certificate of Deposit (\*3) ) in the
5. Certified Check (\*3) ) amount
6. Official Check (\*3) ) of
7. Share Certificate (\*3) )
8. Teller's Check (\*3) )
9. Treasurer's Check (\*3) )

(Cross Out Those Not Applicable)

\_\_\_\_\_  
\_\_\_\_\_ DOLLAR S (\$ \_\_\_\_\_).

as required by law.

Respectfully submitted,

\_\_\_\_\_  
Name of Company, Joint Venture  
or Partnership

\_\_\_\_\_  
License No.

By \_\_\_\_\_  
Signature (\*4)

Title \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No.: \_\_\_\_\_

(CORPORATE SEAL)

(\*5)

***SPECIFIER S NOTE: Use for SCHEME A - PROPOSAL & SCHEME B -PROPOSAL.  
Start NOTES section on a new page***

**NOTES:**

1. Surety bond underwritten by a company licensed to issue bonds in this State;
2. Legal tender; or
3. A certificate of deposit; share certificate; or cashier s, treasurer s, teller s, or official check drawn by, or a certified check accepted by, and payable on demand to the State by a bank, a savings institution, or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.
  - A. These instruments may be utilized only to a maximum of \$100,000.
  - B. If the required security or bond amount totals over \$100,000, more than one instrument not exceeding \$100,000 each and issued by different financial institutions shall be accepted.
4. Please attach to this page evidence of the authority of this officer to submit bids on behalf of the Company, and also the names and residence addresses of all officers of the Company.
5. Fill in all blank spaces with information asked for or bid may be invalidated.  
PROPOSAL MUST BE INTACT, MISSING PAGES MAY INVALIDATE YOUR BID.

**END OF PROPOSAL**